

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS**

**NAVY SEALS 1-26**, et al.,

Plaintiffs,

v.

**JOSEPH R. BIDEN, JR.**, in his official capacity as  
President of the United States, et al.,

Defendants.

Case No. 4:21-cv-01236-O

**PROTECTIVE ORDER**

Upon the request of Defendants in the above-captioned matter, and pursuant to Federal Rule of Civil Procedure 26(c), the Court hereby enters the following protective order, the following terms having been agreed to by the parties to provide a mechanism for those plaintiffs who are currently proceeding in this action through pseudonyms (collectively “the Pseudonym Plaintiffs”) to provide their identities to Defendants.<sup>1</sup>

1. Provision of the Pseudonym Plaintiffs’ Identities and Under Seal Filings to Defendants. Upon entry of this protective order, plaintiffs, through their counsel, will provide the identities and addresses of the Pseudonym Plaintiffs along with any documents that have been filed under seal in this matter to undersigned defense counsel of record.

2. Limited Dissemination of the Pseudonym Plaintiffs’ Identities. The following persons may receive notice of the Pseudonym Plaintiffs’ identities: (a) counsel for defendants, including supervisory officials at the Department of Justice and agency counsel for defendants; (b) persons regularly in the employ of counsel for defendants directly assisting such counsel in the prosecution or defense of this litigation and who have been advised by such counsel of their

---

<sup>1</sup> Entry of this protective order does not deprive Defendants of the opportunity to file an opposition to Plaintiffs’ motion to proceed under pseudonyms.

obligations hereunder; and (c) persons regularly in the employ of defendants who are actually engaged in the preparation of this litigation for trial or other proceedings herein, provided that such persons agree to and sign the attached undertaking (Appendix A). Counsel for defendants shall maintain copies of all signed undertakings.

3. Permissible Uses of the Pseudonym Plaintiffs' Identities. Any person learning the Pseudonym Plaintiffs' identities pursuant to this Protective Order ("Recipient") shall use that information only for purposes of this litigation and shall not disclose the Pseudonym Plaintiffs' identities to anyone except persons identified in Paragraph 2, absent court order.

4. Retaliation Prohibited. Defendants and any others receiving this information pursuant to Paragraph 2, are hereby prohibited from taking any adverse or retaliatory action against Plaintiffs as a result of being identified through the provision of information under Paragraph 1 as participating in this litigation.

5. Scope of the Protective Order. This protective order does not alter the requirements of Northern District of Texas Local Rule 79.3. If any party wishes to use any document containing the Pseudonym Plaintiffs' identities, or other personally identifying information that would lead to the discovery of the Pseudonym Plaintiffs' identities, in a court filing or proceeding in this action, they shall either (i) redact the Pseudonym Plaintiffs' names and other personally identifying information and utilize the Plaintiffs' assigned pseudonym, or (ii) shall file a motion to seal pursuant to Northern District of Texas Local Rule 79.3.

6. Modifications. Each party reserves the right to seek to modify the terms of this protective order and Plaintiffs' pseudonym status at any time. If a party seeks to modify the protective order, the counsel for the party seeking to modify this protective order shall confer with counsel for all other parties to this action.

IT SO ORDERED, this **6th day of December, 2021.**

  
Reed O'Connor  
UNITED STATES DISTRICT JUDGE

APPENDIX A  
ACKNOWLEDGMENT AND AGREEMENT TO BE BOUND

I, \_\_\_\_\_ [print or type full name], declare under penalty of perjury that I have read in its entirety and understand the Protective Order that was issued by the United States District Court for the Northern District of Texas on December 3, 2021 in *U.S. Navy SEALs 1-26, et al. v. Biden, et al.*, No. 4:21-cv-01236-O. I agree to comply with and to be bound by all the terms of this Protective Order and I understand and acknowledge that failure to so comply could expose me to sanctions and punishment in the nature of contempt. I solemnly promise that I will not disclose in any manner any information or item that is subject to this Stipulated Protective Order to any person or entity except in strict compliance with the provisions of this Order.

I further agree to submit to the jurisdiction of the United States District Court for the Northern District of Texas for the purpose of enforcing the terms of this Protective Order, even if such enforcement proceedings occur after termination of this action.

Date: \_\_\_\_\_

City and State where sworn and signed: \_\_\_\_\_

Printed name: \_\_\_\_\_

[printed name]

Signature: \_\_\_\_\_

[signature]